



12-278
DOCKET FILE COPY ORIGINAL

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D C 20554

CGB

AUG 29 2003

Control No. 0302510/kah-Pol

The Honorable Judd Gregg
United States Senate
393 Russell Senate Office Building
Washington, D C 20510

RECEIVED

SEP 11 2003

Federal Communications Commission
Office of the Secretary

Dear Senator Gregg.

Thank you for your letter on behalf of your constituent, Donald Bradley, regarding the Federal Communications Commission's (Commission) recent amendment to the rules implementing the Telephone Consumer Protection Act of 1991 (TCPA).

On September 18, 2002, the Commission released a Notice of Proposed Rulemaking (NPRM) in CG Docket No. 02-278, seeking comment on whether it should change its rules that restrict telemarketing calls and unsolicited fax advertisements, and if so, how. The NPRM sought comment on the option to establish a national do-not-call list, and how such action might be taken in conjunction with the national do-not-call registry rules adopted by the Federal Trade Commission (FTC) and the numerous state do-not-call lists. In addition, the Commission sought comment on the effectiveness of the TCPA's unsolicited facsimile advertisement rules, including the Commission's determination that a prior business relationship between a fax sender and recipient establishes the requisite consent to receive advertisements via fax. The Commission received over 6,000 comments from individuals, businesses, and state governments on the TCPA rules.

The record in this proceeding, along with our own enforcement experience, demonstrated that changes in the current rules are warranted, if consumers and businesses are to continue to receive the privacy protections contemplated by the TCPA. As explained in the Commission's Report and Order released on July 3, 2003, the record indicated that many consumers and businesses receive faxes they believe they have neither solicited nor given their permission to receive. Consumers emphasized that the burden of receiving hundreds of unsolicited faxes was not just limited to the cost of paper and toner, but includes the time spent reading and disposing of faxes, the time the machine is printing an advertisement and is not operational for other purposes, and the intrusiveness of faxes transmitted at inconvenient times, including in the middle of the night.


2

As we explained in the Report and Order, the legislative history of the TCPA indicates that one of Congress' primary concerns was to protect the public from bearing the costs of unwanted advertising. Therefore, Congress determined that companies that wish to fax unsolicited advertisements to customers must obtain their express permission to do so before transmitting any faxes to them. The amended rules require all entities that wish to transmit advertisements to a facsimile machine to obtain permission from the recipient in writing.

The Commission's amended facsimile advertising rules were initially scheduled to go into effect on August 25, 2003. However, based on additional comments received since the adoption of the July Report and Order, the Commission, on its own motion, determined to delay the effective date of some of the amended facsimile rules, including the elimination of the established business relationship exemption, until January 1, 2005. The comments filed after the release of the Report and Order indicate that many organizations may need additional time to secure this written permission from individuals and businesses to which they fax advertisements. Enclosed is the Commission's Report on Reconsideration, released on August 18, 2003.

Please do not hesitate to contact us if you have further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "K. Dane Snowden", is written over the printed name.

Chief

Consumer & Governmental Affairs Bureau

Enclosures

JUDD GREGG
NEW HAMPSHIRE

COMMITTEES

HEALTH EDUCATION LABOR
AND PENSIONS *Chairman*

APPROPRIATIONS

BUDGET

United States Senate

WASHINGTON, DC 20510-2904
(202) 224-3324

OFFICES

125 NORTH MAIN STREET
CONCORD, NH 03301
(603) 225-7115

41 HOOKSETT ROAD UNIT 2
MANCHESTER, NH 03104
(603) 622-7979

60 PLEASANT STREET
BERLIN, NH 03570
(603) 752-2604

16 PEASE BOULEVARD
PORTSMOUTH, NH 03801
(603) 431-2171

Reply to.
Concord Office

August 15, 2003

*CGB TCRA
Policy 2510*

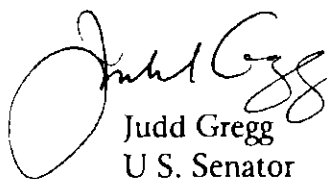
Ms. Diane Atkinson
Congressional Liaison Specialist
Federal Communications Commission
Room 8-C453
445 12th Street, S.W.
Washington, DC 20554

Dear Ms. Atkinson.

Enclosed is a letter I received from Donald Bradley of Wholesale Forest Products, LLP of Plainfield, New Hampshire. He is concerned with what he says is an FCC regulation which requires the trade organization to which he belongs to obtain his written consent before they can send him notification of meetings and other association business.

Mr. Bradley would like to know the purpose for this regulation. Thank you for your attention to his request. I look forward to your response.

Sincerely,


Judd Gregg
U.S. Senator

JG/ml

Enclosure

26 AUG 2003 RCUD

PRINTED ON RECYCLED PAPER



August 12, 2003
To: All WPMA Members
Re: Consent Form

FAXED
8/12/03

Under new FCC rules for Associations, we need your written consent to continue sending you faxes for meetings, etc.. If you do not sign and return the consent form below via fax by August 25, 2003 we will no longer be able to contact you via fax. Thank you for your prompt attention to this important matter.

Donald Bradley

Wholesale Forest Products, LLP

I Donald Bradley of Wholesale Forest Products, LLP on Aug. 12/03
(Name) (Company) (Date)

give Wood Products Manufacturers Association permission to send me faxes at

603-675-5620 for all Association business.
(Fax Number)

PLEASE FAX BACK TO: 978/874-9946 ASAP

Donald Bradley / Nils Bradley
Wholesale Forest Products LLP
P.O. Box 310 (Mailing Address)
74 Dodge Road (UPS Address)
Plainfield, NH 03781-0310 USA
TEL 603-675-5627 FAX 603-675-5620



To: Judd Gregg
Attn: _____
Date: Aug. 13/03
Total Pages: 2
Faxed: _____ Inq. #: _____

Judd,

Please note the enclosed document copy sent to me by my trade association. They tell me there are 49 pages of regulations under the Paperwork Reduction Act having to do with this.

Can you just imagine the paper and work generated by all the Trade Associations to comply with the FCC Reg's?

It seems others are free to send me all kinds of junk mail, credit card applications, etc., without restraint, but my own trade assoc. can't, even tho' I volunteered ^{ere} to join.

I expect there is a "good reason" for this requirement, and would like to know what it is.

Sincerely,

Donald Bradley